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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,300	04/20/2001	John R. Wells	70869-0089	5192

7590

09/23/2003

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1750 K Street NW  
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EXAMINER

COOLEY, CHARLES E

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 09/23/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.



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**Commissioner for Patents**

Charles E. Cooley  
Primary Examiner  
Art Unit: 1723

## OFFICE ACTION

### *Reissue Applications*

1. As discussed during the interview of 19 AUG 2003, the amendments filed 28 FEB 2003, 14 MAY 2003, and 03 JUL 2003 propose amendments to the claims that do not comply with 37 CFR 1.173(b), which sets forth the manner of making amendments in reissue applications. A supplemental paper correctly amending the reissue application is required. The supplemental paper should also include the subject matter agreed to during the interview of 19 AUG 2003 to further the prosecution of the application.

a. Pursuant to 37 CFR 1.173(c), each claim amendment must be accompanied by an explanation of the support in the disclosure of the patent for the amendment (i.e., support for all changes made in the claims, whether insertions or deletions - see MPEP §1453). The amendments filed 28 FEB 2003, 14 MAY 2003, and 03 JUL 2003 lack an explanation of the support in the disclosure of the patent for the amendments made to claims 32, 33, 35, 36, 38, 39, 42, 43, 47, and 48.

b. For purposes of filing the supplemental paper and the required format, Applicant should note that an amendment of a "new claim" (i.e., a claim not found in the patent, that was previously presented in the reissue application) must be done by presenting the amended "new claim" containing the amendatory material, and completely underlining the claim. The presentation cannot contain any bracketing or other indication of what was in the previous version of the claim. This is because all changes in the reissue are made vis-à-vis the original patent, and not in comparison to

Art Unit: 1723

the prior amendment. Although the presentation of the amended claim does not contain any indication of what is changed from the previous version of the claim, Applicant must point out what is changed in the "Remarks" portion of the amendment or by a marked-up copy of the amended claims (the marked-up copies of the claims filed with the amendments are acceptable and beneficial for examination purposes). Also, per 37 CFR 1.173(c) and as noted above, each change made in the claim must be accompanied by an explanation of the support in the disclosure of the patent for the change.

2. Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.173. Additionally, pursuant to 37 CFR 1.173(c), each amendment submitted must set forth the status of all patent claims and all added claims as of the date of submission. The status to be set forth is whether the claim is pending or canceled (see MPEP § 1453). The amendments filed 28 FEB 2003, 14 MAY 2003, and 03 JUL 2003 lack a statement regarding the status of the claims.

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3. Since the above-mentioned amendments appear to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1723

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (703) 308-0112. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone number for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Charles E. Cooley  
Primary Examiner  
Art Unit 1723

CEC  
September 20, 2003